

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JON FLEMING, individually,

Plaintiff,

V.

STATE OF WASHINGTON DEPARTMENT  
OF CORRECTIONS, SGT. JOHN DOE  
TACKETT, CORRECTIONS OFFICER JOSE  
PORRES, CORRECTIONS OFFICER JOHN  
DOE VAN OGLE, LT. JOHN DOE  
HAYWARD, C. MAY, DOUGLAS  
WADDINGTON, AND JOHN DOES 1-10.

## Defendants.

Case No. C07-5246FDB

**ORDER GRANTING LEAVE TO  
FILE RESPONSE**

The Court granted summary judgment for defendants by order entered September 11, 2008.

Plaintiff moves for reconsideration arguing that the tolling provisions of RCW 4.92.110 apply to his state law claims against the individual defendants. Without showing that he actually did file a claim, Plaintiff contends that he “simply could not have filed his state law claims agains[t] the individually named defendants without having first file[d] a claim.” (Mtn for Reconsideration p. 2)

Defendants are granted leave to file a response to Plaintiff's motion by no later than Thursday, September 25, 2008; Plaintiff may file a reply by Monday, September 29, 2008.

DATED this 19<sup>th</sup> day of September, 2008.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

## ORDER - 1